

STATE LANDS COMMISSION

REGULATIONS GOVERNING THE COLLECTION OF INFORMATION RELATING TO HULL HUSBANDRY PRACTICES OF VESSELS FOR CONTROL OF MARINE INVASIVE SPECIES IN WATERS OF CALIFORNIA

INITIAL STATEMENT OF REASONS

TITLE 2, DIVISION 3, CHAPTER 1, ARTICLE 4.8

SPECIFIC PURPOSE OF THE REGULATION

The specific purpose of Article 4.8 is to provide a format for reporting hull husbandry practices to implement the provisions of Public Resources Code 71205 (e) and 71205 (f). The report is required to be made to California State Lands Commission (Commission) by the master, owner, operator, agent, or person in charge of a vessel carrying or capable of carrying ballast water in the waters of the State as provided Public Resources Code 71201.

NECESSITY FOR THE PROPOSED REGULATION SECTION 2298

Public Resources Code (P.R.C.) Sections 71204.6 and 71205 authorize the California State Lands Commission (Commission) to collect information, on an annual basis, regarding the hull husbandry practices of all vessels carrying, or capable of carrying, ballast water into the coastal waters of the State and to develop and adopt regulations governing the management of hull fouling on vessels arriving at a California port or place by January 1, 2012. P.R.C. § 71205(e)(2) requires the Commission to develop a form to be used by the master, owner, operator, agent, or person in charge of a vessel carrying, or capable of carrying, ballast water into the coastal waters of the State to report the hull husbandry practices relating to the vessel. This form was developed in consultation with stakeholders, including representatives from the shipping industry, researchers, and government agencies.

In order to comply with the requirements of P.R.C. § 71205(e), the Commission considers it necessary to provide the shipping industry with a uniform format that has regulatory authority for reporting, and making explicit, the information required to be reported by P.R.C. § 71205(e) and § 71205(f). The Commission believes that a form with regulatory authority will be more effective in the reporting and acquisition of the information required by P.R.C. § 71205(e) and § 71205(f). P.R.C. 71205(e) (2) authorizes the Commission to request this information from the regulated community; the Commission believes that unless the form has regulatory authority, the information reported may not be timely or accurate.

PURPOSE FOR THE FOLLOWING REGULATION

The proposed regulatory form would specify the information to be reported to the Commission in order to gather the necessary data to develop and adopt regulations, by January 1, 2012, guiding the management of hull fouling on vessels arriving at a California port or place.

The Hull Husbandry Reporting Form will allow the Commission to gather information on the husbandry practices and voyage characteristics that may contribute to the extent and types of fouling organisms, including nonindigenous species, which may attach to the underwater portions of vessels, 300 gross registered tons and above, operating in the waters of California. This information is important as vessel fouling may be a significant vector for the transfer of nonindigenous species into the waters of the State and therefore presents risks to public health and safety, as well as the environment.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

Commission staff have developed a draft of the proposed form from the information in P.R.C. § 71205(f). Commission staff met a Technical Advisory Group (TAG) consisting of representatives from the shipping industry, hull fouling researchers, and other government agencies on December 10, 2007. During the meeting, the TAG discussed the contents of the draft form and made comments and suggestions regarding the form that were used to modify the draft. A second draft of the proposed form was distributed to the TAG electronically on December 18, 2007. Comments and suggestions regarding the second draft were incorporated into a third draft that was distributed to the TAG electronically on January 9, 2008. The TAG had no further comments regarding the third draft of the form.

SMALL BUSINESS IMPACTS

The Commission finds that the adoption of this regulation will not have a significant adverse economic impact on small businesses. None of the businesses that will be governed by the proposed regulation can be considered to be a “small business” as defined in Government Code Section 11342.610.

Article 4.8. The Collection of Information Relating to Hull Husbandry Practices of Vessels for Control of Marine Invasive Species in Waters of California

Section 2298. Hull Husbandry Reporting Form

SPECIFIC PURPOSE OF THE REGULATION

The specific purpose of the regulation is to provide all masters, owners, operators, agents, or persons in charge of a vessel carrying, or capable of carrying, ballast water into the coastal waters of the State with a uniform format for reporting hull husbandry practices.

NECESSITY

The reporting requirements of this form are required by P.R.C. § 71205(e) and are necessary to enable the Commission to collect information from the master, owner, operator, agent, or person in charge of a vessel carrying, or capable of carrying, ballast water into the coastal waters of the State to accurately determine the hull husbandry practices relating to vessels operating within the waters of the State. The Commission is required to use this information to develop and adopt regulations, by January 1, 2012, governing the management of hull fouling for vessels arriving at a California port or place.

The Hull Husbandry Reporting Form will allow the Commission to gather information on the husbandry practices and voyage characteristics that may contribute to the extent and types of fouling organisms, including nonindigenous species, which may attach to the underwater portions of vessels, 300 gross registered tons and above, operating in the waters of California.

Questions 1-3 will allow the Commission to determine the amount of time since the underwater portions of a vessel were last cleaned and treated with an antifouling coating and which type of antifouling coating was used. The length of time since the last cleaning and application of antifouling coating, as well as the type of coating, may influence the amount and types of fouling organisms attaching to vessels. Question 3 will also allow the Commission to gather information about which specific areas on the vessel are being treated with an antifouling coating, as certain areas may be more susceptible to the colonization and accumulation of fouling organisms.

Questions 4-5 will allow the Commission to gather information about the husbandry practices related to the sea chests of vessels. Sea chests are thought to be important in the transfer of nonindigenous species, both fouling organisms and motile organisms. Therefore, information on the husbandry practices related to these areas is important.

Questions 6-8 will allow the Commission to gather information on vessel cleaning practices while the vessels are in water. In-water cleaning may be conducted more frequently than, or in the interim period between, out-of-water maintenance and cleaning. Therefore, information on the frequency of these in-water cleaning practices is important.

Questions 9-11 will allow the Commission to gather information related to specific voyage patterns that are likely to influence the amount and types of fouling organisms,

including nonindigenous species that may attach to the underwater portions of these vessels. Question 9 will allow the Commission to gather information about average voyage speed and average port residency time, as these are likely to influence the types and amount of fouling organisms that can attach to vessels. Question 10 will allow the Commission to gather information about the types of ports visited as well as the voyage routes of vessels coming into California, as certain port and route characteristics may influence fouling extent. Question 11 will allow the Commission to gather information about the frequency of extended port residency times, as extended stationary periods in coastal ports may increase the probability that a vessel will become fouled.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON AFFECTED PRIVATE PERSONS

The Commission Staff has determined that there are no alternatives considered which would be more effective in carrying out the purpose of the proposed regulations or would be as effective and less burdensome to affected private persons.

Article 4.8, Section 2298

- (a) Section 71205(e) of the Public Resources Code requires the master, owner, operator, agent, or person in charge of a vessel carrying, or capable or carrying, ballast water into the coastal waters of the State to file the "Hull Husbandry Reporting Form" developed by the California State Lands Commission providing information regarding the hull husbandry practices relating to the vessel.

Section 2298(a) describes the applicability of Article 4.8 and stipulates that the master, owner, operator, agent, or person in charge of a vessel carrying, or capable or carrying, ballast water into the coastal waters of the State will file the form with the Commission on an annual basis.

- (b) The following form "Hull Husbandry Reporting Form" is hereby incorporated by reference and shall be used by the master, owner, operator, agent, or person in charge of a vessel carrying, or capable or carrying, ballast water into the coastal waters of the State to comply with the provisions of Section 71205(e) of the Public Resources Code.

Section 2298(b) cites the "Hull Husbandry Reporting Form" by name and incorporates the form by reference.

California State Lands Commission
Marine Invasive Species Program
Hull Husbandry Reporting Form
Public Resources Code – 71205(e) and 71205(f)
June 6, 2008
Part I: Reporting Form

Vessel Name:
Official / IMO Number:
Responsible Officer's Name and Title:
Date Submitted (Day/Month/Year):

Hull Husbandry Information

1. Since delivery, has this vessel ever been removed from the water for maintenance?
Yes ☐ No ☐

a. If Yes, enter the date and location of the most recent out-of-water maintenance:

Last date out of water (Day/Month/Year):	
Port or Position:	Country:

b. If No, enter the delivery date and location where the vessel was built:

Delivery date (Day/Month/Year):	
Port or Position:	Country:

2. Were the submerged portions of the vessel coated with an anti-fouling treatment or coating during the **out-of-water** maintenance or shipbuilding process listed above?

Yes, full coat applied <input type="checkbox"/>	
Yes, partial coat <input type="checkbox"/>	Date last full coat applied (Day/Month/Year)
No coat applied <input type="checkbox"/> Date last full coat applied (Day/Month/Year)	

3. For the most recent **full coat** application of anti-fouling treatment, what type of anti-fouling treatment was applied and to which specific **sections** of the submerged portion of the vessel was it applied?

Manufacturer/Company:
Product Name:
Applied on (Check all that apply): Hull Sides <input type="checkbox"/> Hull Bottom <input type="checkbox"/> Sea Chests <input type="checkbox"/> Sea Chest Gratings <input type="checkbox"/> Propeller <input type="checkbox"/> Rope Guard/Propeller Shaft <input type="checkbox"/> Previous Docking Blocks <input type="checkbox"/> Thrusters <input type="checkbox"/> Rudder <input type="checkbox"/> Bilge Keels <input type="checkbox"/>

Manufacturer/Company:
Product Name:
Applied on (Check all that apply): Hull Sides <input type="checkbox"/> Hull Bottom <input type="checkbox"/> Sea Chests <input type="checkbox"/> Sea Chest Gratings <input type="checkbox"/> Propeller <input type="checkbox"/> Rope Guard/Propeller Shaft <input type="checkbox"/> Previous Docking Blocks <input type="checkbox"/> Thrusters <input type="checkbox"/> Rudder <input type="checkbox"/> Bilge Keels <input type="checkbox"/>

Official / IMO Number: _____

Manufacturer/Company:
Product Name:

Applied on **(Check all that apply)**: Hull Sides ☐ Hull Bottom ☐ Sea Chests ☐
Sea Chest Gratings ☐ Propeller ☐ Rope Guard/Propeller Shaft ☐
Previous Docking Blocks ☐ Thrusters ☐ Rudder ☐ Bilge Keels ☐

4. Were the sea chests inspected and/or cleaned during the **out-of-water** maintenance listed above? If no out-of-water maintenance since delivery, select Not Applicable.

Check all that apply.

Yes, sea chests inspected ☐ Yes, sea chests cleaned ☐
No, sea chests not inspected or cleaned ☐ Not Applicable ☐

5. Are Marine Growth Protection Systems (MGPS) installed in the sea chests?

Yes <input type="checkbox"/>	Manufacturer:	Model:
No <input type="checkbox"/>		

6. Has the vessel undergone **in-water** cleaning to the submerged portions of the vessel since the last out-of-water maintenance period? Yes ☐ No ☐

a. If Yes, when and where did the vessel most recently undergo **in-water** cleaning (Do not include cleaning performed during out-of-water maintenance period)?

Date (Day/Month/Year):	
Port or Position:	Country:
Vendor providing cleaning service:	

Section(s) cleaned **(Check all that apply)**:

Hull Sides ☐ Hull Bottom ☐ Propeller ☐ Sea Chest Grating ☐
Sea Chest ☐ Bilge Keels ☐ Rudder ☐ Docking Blocks ☐
Thrusters ☐ Unknown ☐

Cleaning method: Divers ☐ Robotic ☐ Both ☐

7. Has the propeller been polished since the last **out-of-water** maintenance (including shipbuilding process) or **in-water** cleaning?

Yes <input type="checkbox"/>	Date of propeller polishing (Day/Month/Year):
No <input type="checkbox"/>	

8. Are the anchor and anchor chains rinsed during retrieval? Yes ☐ No ☐

Voyage Information

9. List the following information for this vessel averaged over the last four months:

a. Average Voyage Speed (knots):
b. Average Port Residency Time (hours or days): Hours or Days

Official / IMO Number: _____

10. Since the hull was last cleaned (**out-of-water** or **in-water**), has the vessel visited:

a. Fresh water ports (Specific gravity of less than 1.005)?

Yes <input type="checkbox"/>	How many times?
No <input type="checkbox"/>	

b. Tropical ports (between 23.5° S and 23.5° N latitude)?

Yes <input type="checkbox"/>	How many times?
No <input type="checkbox"/>	

c. Panama Canal?

Yes <input type="checkbox"/>	How many times?
No <input type="checkbox"/>	

d. List the previous 10 ports visited by this vessel in the order they were visited (start with most recent). Note: If the vessel visits the same ports on a regular route, check here ☐ and list the route once (you do not have to use all 10 spaces if the route involves less than 10 ports; add more lines if regular route involves more than 10 ports). **List dates as (Day/Month/Year).**

Port or Position:	Country:
Arrival date:	Departure date:
Port or Position:	Country:
Arrival date:	Departure date:
Port or Position:	Country:
Arrival date:	Departure date:
Port or Position:	Country:
Arrival date:	Departure date:
Port or Position:	Country:
Arrival date:	Departure date:
Port or Position:	Country:
Arrival date:	Departure date:
Port or Position:	Country:
Arrival date:	Departure date:
Port or Position:	Country:
Arrival date:	Departure date:
Port or Position:	Country:
Arrival date:	Departure date:

Official / IMO Number: _____

11. Since the **most recent** hull cleaning (out-of-water or in-water) or delivery, has the vessel spent 10 or more consecutive days in any single location (Do not include time out-of-water or during in-water cleaning).

No ☐ List the longest amount of time spent in a single location since the last hull cleaning:

Number of Days:	Date of Arrival (Day/Month/Year):
Port or Position:	Country:

Yes ☐ List all of the occurrences where the vessel spent 10 or more consecutive days in any single location since the last hull cleaning.

Number of Days:	Date of Arrival (Day/Month/Year):
Port or Position:	Country:

Number of Days:	Date of Arrival (Day/Month/Year):
Port or Position:	Country:

Number of Days:	Date of Arrival (Day/Month/Year):
Port or Position:	Country:

Number of Days:	Date of Arrival (Day/Month/Year):
Port or Position:	Country:

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Port or Position:	Country:

Number of Days:	Date of Arrival (Day/Month/Year):
Port or Position:	Country:

**California State Lands Commission
Marine Invasive Species Program
Hull Husbandry Reporting Form
Public Resources Code – 71205(e) and 71205(f)
June 6, 2008**

Part II: Supplementary Instructions for Completing Reporting Form

**HULL HUSBANDRY REPORTING FORM TO BE SUBMITTED ANNUALLY WITHIN
60 DAYS OF THE FIRST VISIT OF THE YEAR TO A CALIFORNIA PORT**

SUBMIT THE COMPLETED FORM TO

California State Lands Commission
Marine Facilities Division
200 Oceangate, Suite 900
Long Beach, CA 90802
FAX: 562-499-6444
Email: bwform@slc.ca.gov

Hull Husbandry Information

Question 1: Check the appropriate box to indicate whether, since delivery, the vessel has ever been removed from the water for maintenance.

- If Yes was selected, enter the date (Day/Month/Year) and location for the most recent out-of-water maintenance period (for example, if vessel was out of water for dry-dock from January 1-10, list January 10 as the last date out of water).
- If No was selected, enter the vessel's delivery date (Day/Month/Year) and the location where the vessel was built.

Question 2: Check the appropriate box to indicate whether the vessel's hull was coated with an anti-fouling treatment/coating during the out-of-water maintenance period or shipbuilding process described in Question 1.

- If "Yes, full coat applied" was selected, move on to Question 3
- If "Yes, partial coat" was selected, list completion date (Day/Month/Year) of most recent full coat application of an anti-fouling treatment/coating
- If "No coat applied" was selected, list completion date (Day/Month/Year) of most recent full coat application of an anti-fouling treatment/coating.

Question 3: For the most recent full coat application of anti-fouling treatment/coating, list the manufacturer(s)/company(ies) and product names of the treatment(s)/coating(s) and check the box next to the specific section(s) of the submerged portions of the vessel where each treatment was applied (check all sections that apply). List information for each anti-fouling treatment/coating if more than one was applied. Attach additional pages if necessary.

Question 4: Check the appropriate box to indicate whether the sea chest(s) were inspected and/or cleaned during the most recent out-of-water maintenance period

described in Question 1. If no out-of-water maintenance since delivery, check Not Applicable.

Question 5: Marine Growth Protection Systems (MGPS) are systems installed in the sea chests to prevent the accumulation of fouling organisms within the sea chests and associated seawater circulation networks. Check the appropriate box to indicate if a Marine Growth Protection System is installed in the sea chest(s).

- If Yes was selected, list the Manufacturer and Model

Question 6: Check the appropriate box to indicate if the vessel has undergone **in-water** cleaning on the submerged portions of the vessel since the last out-of-water maintenance period. **In-water** cleaning does not include cleaning carried out during out-of-water maintenance but does include cleaning carried out during the Underwater Inspection in Lieu of Dry-Docking (UWILD). For this question, out-of-water maintenance includes the shipbuilding process.

- If Yes was selected, answer Question 6a
- If No was selected, move on to Question 7

Question 6a: List date (Day/Month/Year) and location of most recent in-water cleaning (do not include cleaning performed during out-of-water maintenance period) as well as the vendor that conducted the in-water cleaning. Check the box next to the appropriate sections to indicate those sections of the vessel that were cleaned during the in-water cleaning described in Question 6. Indicate whether in-water cleaning was conducted by divers, a robotic system, or both.

Question 7: Check the appropriate box to indicate whether the propeller has been polished since the most recent out-of-water maintenance or in-water cleaning. For this question, **out-of-water** maintenance includes the shipbuilding process.

- If Yes was selected, list the date of the most recent propeller polishing.

Question 8: Check the appropriate box to indicate whether the anchor and anchor chains are rinsed during retrieval.

Voyage Information

Question 9a: Over the past four months, list the average speed (knots) at which this vessel has traveled.

Question 9b: Over the past four months, list the average length of time (either hours or days) that this vessel has spent in any given port.

Question 10a: Check the appropriate box to indicate whether this vessel has visited any freshwater ports (specific gravity of less than 1.005) since the hull was last cleaned (either in-water or out-of-water) or since delivery if the hull has never been cleaned.

- If Yes is selected, list the number of times that this vessel visited freshwater ports since the hull was last cleaned or since delivery if the hull has never been cleaned

Question 10b: Check the appropriate box to indicate whether this vessel has visited any tropical ports between latitudes 23.5° S and 23.5° N since the hull was last cleaned (either in-water or out-of-water) or since delivery if the hull has never been cleaned.

- If Yes is selected, list the number of times that this vessel visited tropical ports since the hull was last cleaned or since delivery if the hull has never been cleaned

Question 10c: Check the appropriate box to indicate whether this vessel has traversed the Panama Canal since the hull was last cleaned (either in-water or out-of-water) or since delivery if the hull has never been cleaned.

- If Yes is selected, list the number of times that this vessel has traversed the Panama Canal since the hull was last cleaned or since delivery if the hull has never been cleaned.

Question 10d: Starting with the most recent port, list the last 10 ports visited by this vessel. Provide information on the port or place, country, and the dates of arrival and departure.

If this vessel follows a regular route, visiting the same ports routinely, place a check in the box provided and list the information for the most recently completed route. You do not have to use all ten spaces if the regular route involves less than 10 ports. Add more lines if the regular route involves more than ten ports.

List all dates as Day/Month/Year.

Question 11: Check the appropriate box to indicate whether this vessel has spent 10 or more consecutive days in any single location since the last time the hull was cleaned (either in-water or out of water) or since delivery if the hull has never been cleaned. Do not include time spent out-of-water or time spent during in-water cleaning.

- If No is selected, enter the information for the single longest amount of time this vessel has spent in a single location since the last hull cleaning or since delivery if the hull has never been cleaned.
- If Yes is selected, list all of the occurrences where the vessel spent 10 or more consecutive days in any single location since the last hull cleaning or since delivery if the hull has never been cleaned.

Authority: Public Resources Code Sections 71201 and 71204.6

Reference: Public Resources Code Sections 71205(e) and 71205(f)